

**Appl. No.** : **10/715,096**  
**Filed** : **November 18, 2003**

### **SUMMARY OF INTERVIEW**

#### Exhibits and/or Demonstrations

Sample of a commercial device

#### Identification of Claims Discussed

24, 35, and 36

#### Identification of Prior Art Discussed

That cited

#### Proposed Amendments

Various additional limitations to Claim 24

#### Principal Arguments and Other Matters

The various additional limitations overcome the rejections.

#### Results of Interview

Applicant to file a response.

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### REMARKS

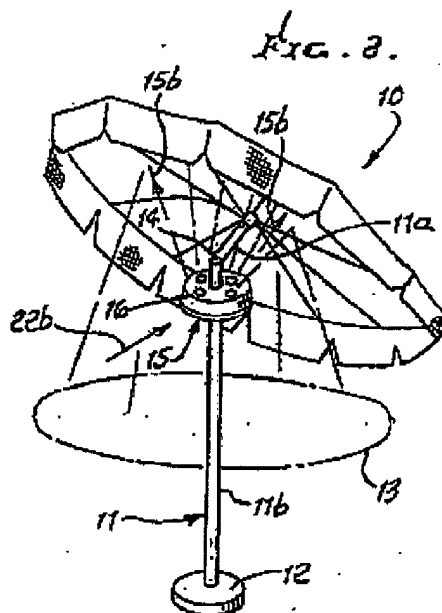
Claims 1-15, 17, 24, and 35-60 were pending in this application. In this amendment, Claims 1-15, 17, 24, 36, 37, 39, 42, 53-56, and 58-60 are amended and new Claims 61-64 are added. Claims 35, 38, and 57 are canceled. Accordingly, Claims 1-15, 17, 24, and 36-37, 39-56, and 58-64 remain pending for reconsideration.

#### *Claim Objections*

The Examiner objects to Claims 10 and 11 as being indefinite for including the language "and/or". These claims have been rephrased, eliminating this language. This amendment does not narrow these claims.

#### *Discussion of an Embodiment of the Invention*

Figures 2, 5, 11, and 12 from the application, reproduced below, show a light providing apparatus 15 attachable to an umbrella 10 according to one embodiment of the invention.

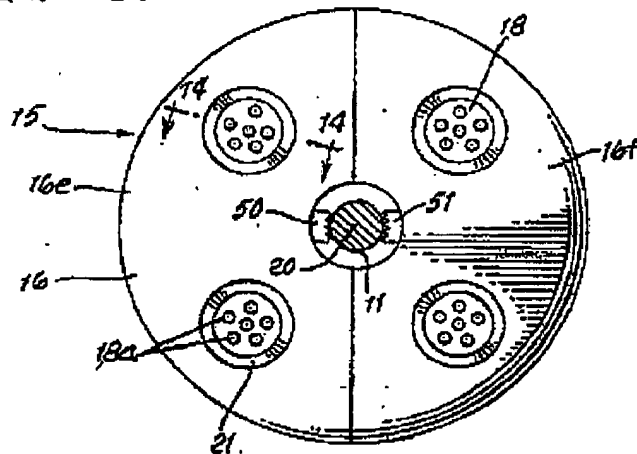


With reference to Figure 2, the light providing apparatus 15 includes a body 16 releasably attachable to the umbrella 10. As discussed further below, this embodiment of the light providing apparatus 15 is quickly and easily connectable to umbrellas of varying size without requiring modification or any complicated bracket structures.

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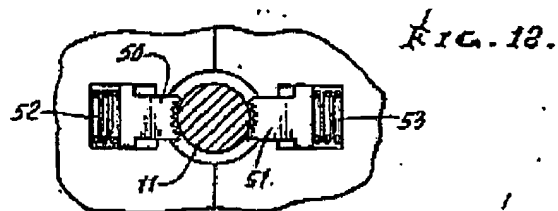
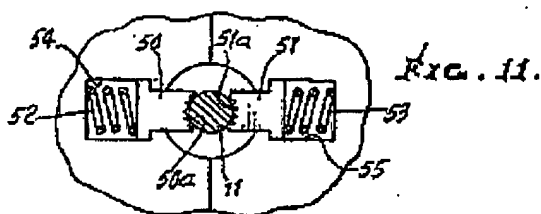
Figure 5 shows that the body 16 includes two sections 16e, 16f or base parts that are pivotably connected.

*FIG. 5.*



The base parts or sections 16e, 16f have inner sidewall surfaces that face each other. A through-hole is defined by these surfaces to substantially encircle a pole 11 or similar elongate object when the base parts are connected around the pole. One or more light sources 18 direct light from another surface of the base parts.

The light providing apparatus 15 also is advantageous in that it provides a self-contained clamshell-type structure whereby it can be quickly and easily mounted in a self-supporting fashion to an umbrella pole. Also, Figures 11 and 12 illustrate that the apparatus 15 of the light providing apparatus 15 can be connected to umbrellas having poles within a range of sizes.

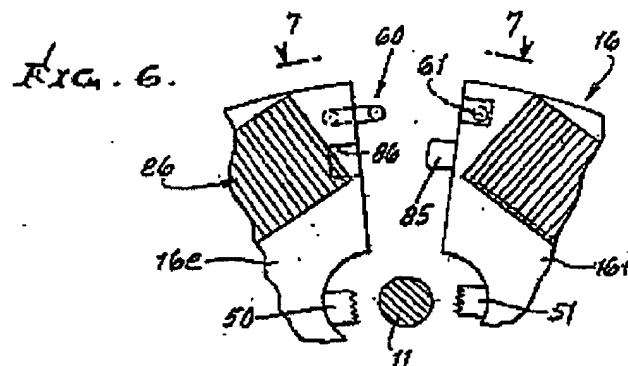


Figures 11 and 12 show that light providing apparatus 15 includes a clamping device that includes grippers 50, 51 that are moveable relative to the sidewall surfaces of the base parts 16e, 16f, e.g., in recesses 54, 55. The movement of the grippers 50, 51 enables the light providing device 15 to accommodate different sizes of the pole 11. Figures 11 and 12 and also illustrate that in this embodiment, the grippers 50, 51 are resiliently urged toward the pole 11, e.g., by

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compression springs 52, 53, to provide or enhance engagement of the clamping device and of the light providing device 15 with the pole 11.

This feature further enables the light providing device 15 to be sold directly to consumers for easy after-market use without requiring the consumer to modify or spend a lot of time installing the device. In use, the base parts 16e, 16f are divided and are pivotably connected so that the outer periphery of the device can be opened to permit the pole 11 to be received therein. This feature is illustrated in Figure 6.



Thereafter the base parts 16e, 16f are pivoted toward each other bringing the grippers 50, 51 into engagement with the pole 11. The light providing device 15 also can be quickly and easily removed from the pole, by pivoting the base parts 16e, 16f away from each other. This feature enables the light providing device 15 to be removed from the umbrella 10 whenever desired, e.g., at night or for connection to a power outlet for recharging.

#### ***Rejections Based on Prior Art***

As discussed further below, all pending claims are rejected as anticipated by U.S. Patent No. 5,584,564 to Phyle or obvious over Phyle combined with one or more other references.

#### ***Anticipation Rejections Based on Phyle***

Claims 24, 40-41, and 47 are rejected in the Office Action as anticipated by Phyle. Phyle is directed to a battery operated lighting apparatus that includes a housing 10 for batteries and a plurality of lighting devices 12 that are more specifically described in connection with Figure 11 as light wands 104 comprising elongated fluorescent tubes. These tubes are connected to ribs of the umbrella. The device is summarized as including multiple means for attachment to an

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umbrella, i.e., a first means for attaching the housing 10 and a second means for attaching the lighting devices 12 to ribs 22 of the umbrella, which are separate from the housing 10. See, e.g., Column 1, lines 45-48 and Column 3, lines 12-15.

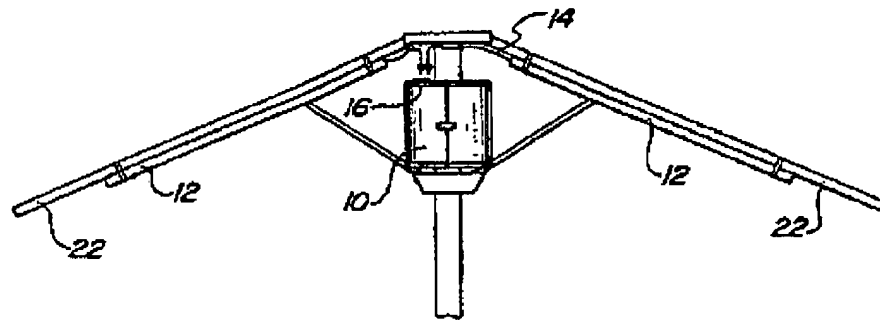


Fig - 5

Also, the separation of the housing 10 and the lighting devices is facilitated a waterproof connection between a conducting element 14 and receptacles 16. The housing 10 is either supported by a stop member 48 (See Figure 9) or by friction between the umbrella pole and upper and lower surfaces 32, 34, which do not move independently of the housing 10 (See Figure 7).

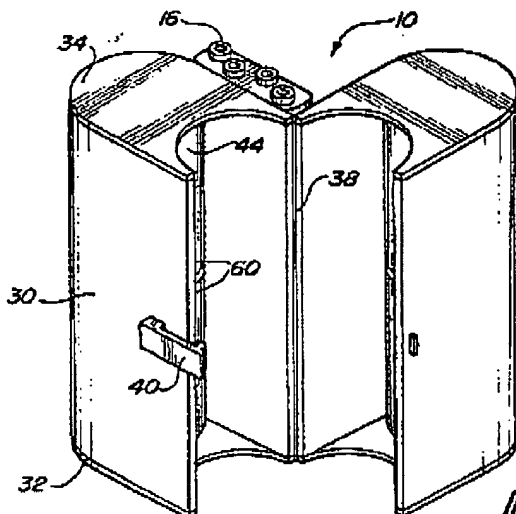


Fig - 7

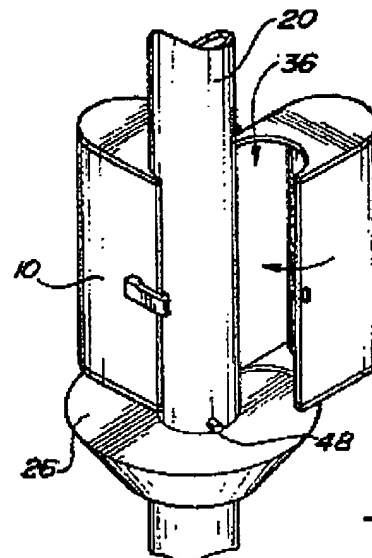


Fig - 9

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Phyle states that an important benefit its design is to not "interfere with the movement of the umbrella canopy between a raised or a lowered position." Column 5, lines 3-8. Presumably, the separated design, connecting the lights to the housing 10 by a cable, is meant to facilitate this.

In contrast with Phyle, Claim 24 recites a light device suitable for fastening to a pole-like object, comprising:

- a) a base part,
- b) and a light source;
- c) wherein, the base part comprises a first base part and a second base part pivotably coupled with the first base part, said first and second base parts being divided so that each has an inner sidewall surface facing that of the other, said sidewall surfaces forming a through hole to substantially encircle a pole-like object when said two base parts are connected, said sidewall surfaces having at least one recess formed therein, *said base part having a clamp comprising a gripping surface and a resilient member at least partially located in the recess, the gripping surface being movable relative to the sidewall surface between an extended position and a range of clamping positions, the clamping positions being between the extended position and the sidewall surface, the resilient member configured to urge the gripping surface toward the extended position, whereby the lighting device can be self-supported on umbrella poles of different sizes.*

Phyle does not teach or suggest all of the limitation of Claim 24 as amended herein. Accordingly, Claim 24 is patentable over Phyle. Applicant respectfully requests the Examiner to withdraw the rejection of Claim 24.

Claims 40-41 and 47 were also rejected as anticipated by Phyle. However, these claims depend from Claim 24 and are patentable over Phyle at least for the same reasons stated above. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 40-41 and 47.

#### *Rejections Based on Obviousness*

##### **Claims 1-15**

Claims 1-12, 14, 15 are rejected in the Office Action as being unpatentable over Phyle in view of U.S. Patent No. 6,013,985 to Green et al. Claim 13 is rejected as unpatentable over Phyle in view of Green and U.S. Patent 5,584,564 to Broeke.

Phyle is discussed above. Green is directed to a sealed solar powered light assembly that is very different in application and Applicant believes Green to be incompatible with Phyle. Also, Applicant believes that Green's bulky construction is contrary to Phyle's teachings

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regarding separating components to prevent the device from interfering with movement of the umbrella. However, in view of the fact that Green has no teaching about a clamping device for coupling to a pole-like object, Applicant notes that a prima facie case of obviousness of Claim 1 cannot be made based on Phyle and Green.

In contrast to Phyle and Green, Claim 1 as amended recites a light for an umbrella pole, comprising in combination:

- a) a body comprising an inner surface and *a clamping device comprising a gripping surface and a spring located between the inner surface and the gripping surface*, the spring configured to resiliently urge the gripping surface into engagement with the umbrella pole, whereby the body is releasably attachable to the umbrella pole,
- b) a source or sources of electric light carried by the body, to direct said light away from the body,
- c) and incident light responsive means on the body to provide electrical energization for said light source, said means configured to receive incident light from a direction or directions spaced away from light directed from said source or sources.

In particular, Claim 1 as amended recites at least one limitation not found in either Phyle or Green.

Phyle and Green does not teach or suggest all of the limitation of Claim 1 as amended herein. Accordingly, Claim 1 is patentable over Phyle and Green, alone or in combination. Applicant respectfully requests the Examiner to withdraw the rejection of Claim 24.

Claims 2-12, 14, and 15 depend from Claim 1 and have been rejected based on the same combination. These claims are patentable over Phyle and Green at least for the same reasons that Claim 1 as amended is patentable thereover. Therefore, Applicant respectfully requests that the rejection of these claims in view of Phyle and Green be withdrawn. Claim 13 is rejected based on Phyle, Green, and Broeke. Broeke does not address the shortcomings of Phyle and Green discussed above. Thus, Claim 13 is patentable over Phyle, Green, and Broeke at least for the same reasons that Claim 1 as amended is patentable. Therefore, Applicant respectfully requests that the rejection of Claim 13 in view of Phyle, Green, and Broeke be withdrawn.

**Claims 17 and 53-60**

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Claims 17 and 53-56 are rejected in the Office Action as being unpatentable over Phyle in view of Green et al. Claims 57-60 are rejected in the Office Action as being unpatentable over Phyle, Green, and Broeke.

Claim 17 has been amended herein above. For reasons similar to those discussed above in connection with Claims 1 and 24, Claim 17 as amended is not taught or suggested by Phyle or Green, alone or in combination. Therefore, Claim 17 as amended is patentable over Phyle and Green and Applicant respectfully requests that the rejection of Claim 17 be withdrawn. Claims 53-56 also are rejected based on Phyle and Green. These claims depend from Claim 17 and are patentable over Phyle and Green at least for the same reasons that amended Claim 17 is patentable thereover. Therefore, Applicant respectfully requests that the rejection of these claims in view of Phyle and Green be withdrawn.

Claims 57-60 are rejected based on Phyle, Green, and Broeke. Claim 57 has been canceled. As discussed in connection with Claim 13, Broeke does not address the shortcomings of Phyle and Green discussed above. Thus, Claims 58-60 are patentable over Phyle, Green, and Broeke at least for the same reasons that amended Claim 17 is patentable. Therefore, Applicant respectfully requests that the rejection of Claims 58-60 in view of Phyle, Green, and Broeke be withdrawn.

#### **Claims Depending From Claim 24**

Claims 35-39, 42-46, and 47-52 also depend directly or indirectly from Claim 24 and are rejected as obvious in view of Phyle and the other references noted above. None of these references address the shortcomings of Phyle with respect to amended Claim 24. In particular, these references do not teach or suggest all of the limitations not taught or suggested by Phyle. Accordingly, Claims 36-37, 39, 42-46, and 47-52 are patentable at least for the same reasons discussed above.

#### ***New Claims***

New Claims 61-64 are added to more particularly claim the invention and distinguish the prior art.



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### CONCLUSION

Applicant respectfully traverses the Examiner's rejections and the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and Applicant respectfully requests that a Notice of Allowance be issued at the earliest opportunity.

Respectfully submitted,

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